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Introduction

War, conscience and counsel in early modern Catholic Europe

War has always troubled Christian consciences. Considerations of it bring out the tensions between the law of charity and the duty of obedience to secular authority and of reconciling the God of Hosts of the Old Testament with Christ's rejection of the sword. It is no surprise that Augustine tried to square the circle. In his controversy with the Manicheans (*Contra Faustum*) he outlined what became the relevant framework in centuries to come.¹ He maintained against them the importance for Christians of obedience to divine commands about the use of violence found in the Old Testament. The prerequisite was submission to divine or to duly constituted human authority. The second crucial question following from here was that of intention. Taking a man's life was sinful if done from *libido*, i.e. love of violence, lustful revenge or greed for power. This finally linked intention to causes of war; they were limited to safeguarding the *res publica* and to establishing peace. Obedience to divine command, Augustine conceded, was less contentious than obeying ungodly rulers or unrighteous commands. Yet, by re-emphasizing the Christian duty of obedience, he managed to overcome this difficulty. Christians could fight wars and the Christian soldier fighting under the command of duly constituted authority, which according to Paul, was instituted by God, remained "innocent".

Augustine had articulated the main coordinates of the discussion but debate would continue vigorously – and has never stopped – over the conditions under which rulers, the Church, and/or individual Christian could go to war. During the middle ages the question was seized by lawyers and canonists who merged it with the vocabulary of Roman law. The rise of scholasticism in the thirteenth century brought about a second theological benchmark in the form of the *quaestio* 40 (On war) in Aquinas's *IIa IIae*.² His attempt to synthesize Augustinianism, Aristotelianism, and aspects of canon law in *quaestio* format together with

his clear definition of analytical categories, shaped a conceptual web of *bellum iustum* that informed the debate well into the early modern period and well beyond the confessional divide.³ Crucially, the Thomist update of just war assimilated war to an act of “vindicative justice,”⁴ imposing defensive limitations on intention and causes. Such injections of legal and philosophical nature cannot be disconnected from the historical evolutions specific to Western Christianity. Indeed, war accompanied the rise of dynastic states and papal power as they rivaled and sometimes coalesced in the recovery of the legacy of the Roman Empire as well as in their ambition for empire over bodies and souls.

Contemporary scholarship has certainly not neglected the study of the historical just war concepts for the medieval and early modern period; if anything it has been keen to link the pre-modern heritage to modern concepts of international law. This tendency may be regarded as a reflection of the heightened concern and public debate over just and unjust wars after the end of the Second World War which has led to soul-searching over their nature as well as to a quest for sources that might lend credibility, legitimacy, and justice to contentious political decisions.⁵ While this looking to the past to find solutions for the present has produced regular eruptions of publications in which studies of early modern authors have their place, there is no doubt that this very disposition often distorts the historical apprehension of “just war” within its original socio-political horizon and context. This problem has only partly been remedied by those who followed Quentin Skinner’s lead. The new intellectual history has hardly reshaped the canon and its understanding of context remains rather too narrowly focused on other “political” texts. Finally its criticism of the fiction of doctrinal coherence and the traditional re-posing of “eternal” questions has not prevented that other, not necessarily illegitimate, but nonetheless often anachronistic agendas such as the rise of “liberty” have been applied.⁶

The articles presented in this special issue reply to the challenge of contextualization of texts in two ways. One is horizontal, as a wide variety of texts and political practices are addressed in coherence. The other is vertical: the texts are woven into the traditions that constituted them. A context intellectual historians have not adequately taken into account in the analysis of early modern just war theories is their intellectual and institutional setting in the field of Catholic moral theology, which developed and established itself as an independent branch of theology only in the sixteenth century.⁷ In failing to do so, they have de-contextualized some of its major exponents, separating them from their interlocutors with whom they were engaged in debates over the moral evaluation of human agency, as well as from the reasons why they were debating these problems. Placing the major and minor authors together back into the field of Catholic moral theology, however, shows that their conversations were not conducted in an ivory-tower, nor that they exclusively struggled over how to best advance the framework of international law, but that they were also responding to urgent practical, political, and pastoral queries.⁸

Such queries gained traction as Tridentine Catholicism came to focus strongly on confession as a tool of reform and discipline, which was one of the main reasons why moral theology expanded so dynamically in the first place.⁹ While the Dominicans continued their long-standing tradition of commenting Aquinas, the Jesuits were the first to install proper university chairs of “moral theology”.¹⁰ The publishing output of the theologians, active in the field, was varied: one important genre was the manual for confessors in order to equip them with the adequate knowledge of how to examine the conscience of their flock.

Groundbreaking here was the manual written by the Augustinian eremite Martín de Azpilcueta in 1552, who identified different kinds of possible sins according to social status and who drew up a list of “royal sins.”¹¹ These were entirely political in nature and denounced

excessive taxation, arbitrary justice, and the conduct of unjust war. Azpilcueta's manual remained a point of reference long into the seventeenth century, and it is therefore no coincidence that he is also mentioned throughout our articles. Manuals for confessors identified sins against the sacraments, the virtues, and increasingly against the Ten Commandments,¹² but they did not explain how to evaluate them in confession. Such comprehensive understanding of moral agency was delivered in systematic volumes of moral theology. Displaying a permanent dialogue with pastoral concerns, they defined and explained the categories and principles of moral reasoning and how to apply them to all aspects of human life.

Moral theologians believed not only that their discipline trumped all other more limited areas of science like law,¹³ but also that they were best placed to judge human agency *ex post* as well as to give moral counsel so as to contain sin *ex ante*. The counsel of theologians was therefore relevant to politics. The idea that the good monarch distinguished himself by listening to wide and informed counsel was certainly a long-standing feature of European political thought,¹⁴ yet the motivations for the reliance on theological counsel mainly, but not exclusively, in the Iberian sphere during the sixteenth and seventeenth centuries¹⁵ are often misunderstood. Theological counsel was neither a mere fig-leave, nor did it amount to an unquestioned submission of politics to religion, or even the papacy, as many polemicists suspected. "Counsel of conscience" may instead be seen as a defense against direct Roman interference as well as against Machiavellian and reason of state arguments, according to which politics could never be moral. It undoubtedly sought to bring about the virtuous prince along new Counter-Reformation ideals,¹⁶ but one of its major driving forces was the Thomist understanding of conscience and sin that underpinned Catholic moral theology.

When early modern men asserted that something was a question of conscience, they generally referred to a rational negotiation before the tribunal of conscience. *Synderesis* as the habitual understanding of moral principles was distinguished from conscience as the act of rational application of knowledge to actions. Thus, in early modern parlance, conscience was understood as an act of judgment (*dictamen*), indeed an “actual and practical reasonable judgment.”¹⁷ This process was blurred by man’s inherent sinfulness as well as by the existence of conflicting norms; as Aquinas had realized, reason might sometimes “be mistaken in its reasoning.”¹⁸ Thus, to avoid and limit sinful “vincible” ignorance in decision-making, it was necessary to examine one’s intentions and to seek competent enlightenment.

Theologians generally recognized four types of conscience: *recta*, *erronea*, *dubia*, *scrupulosa*.¹⁹ True or correct conscience judged on the basis of a correct syllogism; it concluded in coherence with God’s will. Erroneous conscience was based on false syllogisms, reached false conclusions but was still convinced it was correct. The doubtful conscience was ambiguous and uncertain about correct reasoning; scrupulous conscience was doubtful and tortured. It was unable to judge, often inventing reasons and objections where none existed. Conscience, even when in error, was, however, absolutely binding on the individual. Moral theology therefore sought to provide tools that dispelled doubt and prevented mistakes in reasoning. Wise and authoritative counsel of theologians was meant to intervene just here and this task pushed theologians to discuss not just the rules of but also the traps in moral judgment. This is why the counsel of theologians was considered so vital for all and for rulers in particular. It helped to overcome sinful ignorance and to inform tenable judgments which need not, and this has to be emphasized, necessarily coincide with a specific theological opinion in order to be morally safe.

Against this backdrop our articles are therefore not concerned with presenting yet another loop in the discussion of just war “from Vitoria to Grotius,” or with drawing out how Catholic moral theology contributed to the development of natural rights or constitutionalism, but to examine how the debates on just war were entwined with practices and institutions of counsel that aimed to guide the conscience of subjects and rulers. In so doing, theologians engaged with four challenges: the Spanish conquest of the New World, humanists defying Augustinian and scholastic traditions, the confessional divide, and finally contemporary shifts in the understanding of conscience.

The Spanish controversies on war and conquest have attracted wide scholarly attention and are also relevant to our own investigations. The Portuguese discussions, however, have been over-looked too often.²⁰ Unjustly so, for Giuseppe Marcocci shows not only that they were acutely informed by other European debates, but also that the “board of conscience” (*Mesa da Consciência*) in which they took place represented a precursory institutional innovation. It protected the ruler’s conscience against papal interference while helping, more broadly, to create and shape the consciousness and conscience of empire. Vincenzo Lavenia draws attention to the most central of all peripheries of the “Spanish empire”, i.e. the Spanish Netherlands where long-lasting and large-scale warfare triggered logistic and disciplinarian concerns, and he shifts the focus from the interest in the *ius ad bellum* to the less studied *ius in bello*. The discipline of Christian soldiers was an increasingly problematic aspect of war which engaged its conduct as well as its justification. Rulers, generals, theologians, and chaplains thus cooperated in a disciplining effort targeting the soldier’s conscience along an agenda informed by moral theology and neo-stoicism. One of its practical outcomes was the subsequent development of moral and legal standards for the conduct of soldiers in canon law which now discerned, probably for the first time, the “sins and crimes of war”, laying the

foundations of notions of military justice. The shadow of Spanish hegemony also lingers in my own contribution. Spain haunted not only the battlefields within and without Europe; the superpower of the early modern age also presented a controversial intellectual challenge to France, its most important rival. The French debate on just war was essentially polemical and anti-Spanish, which explains the increasingly fierce rejection of scholastic just war concepts and associated ideas of theological counsel.

The Spanish debate over the legitimacy of conquest of the Americas was by and large conducted within the framework of the just war tradition and it gave rise to the remarkable revival and re-interpretation of Thomist concepts in the wake of Francisco de Vitoria's lectures.²¹ The neo-scholastic theologians who favored natural law arguments over the medieval canonist tradition in their examination of war were, however, challenged at various junctures as Spain's experience criss-crossed with humanist readings and appraisals of Roman history. The Roman lens led humanists to strip the "law of war" of Augustine's prohibition of *libido*. In their view, the "authority of the Romans" instead clearly suggested the legitimacy of conquest for the aggrandizement of empire. As Juan Ginés de Sepúlveda stated – whatever the theologians believed – the pursuit of power and glory was laudable and not to be despised.²² Machiavelli deepened this challenge by resuscitating the pagan accusation – famously rejected by St Augustine in *City of God* – that Christianity was responsible for the demise of the Roman Empire because its moral regime undermined military and political virtue.²³ Yet, despite such fundamental criticism of the pillar of Christian tradition, Machiavelli believed that the religion of the Romans largely explained their military prowess, a point even the enemies of the Florentine secretary found difficult to dismiss.²⁴ The right kind of religion therefore was arguably the cornerstone of formidably disciplined armies capable of defending the state and of empire-building. Paradoxically this might well have been a Machiavellian

lesson assimilated by otherwise unsympathetic theologians, as Vincenzo Lavenia shows in his discussion of how military chaplains attempted to discipline the soldiers' consciences.

Giuseppe Marcocci demonstrates as well that the disciplining of conscience was an important tool of empire-building in the Portuguese case and it brought about an extraordinary flourishing of new casuistry which oriented and shaped imperial politics.

The humanist comparison of their own circumstances to Rome's religious-military complex yielded another interesting insight: the Romans had not fought religious wars.²⁵ This observation opened the possibility of reconciling the opponents in the scholastic-humanist divide since the second scholastics agreed generally that religion did not count as a just cause of war. On a contrary line, however, some humanists, in the name of the *res publica Christiana*, returned to the canonist legacy of holy war which scholastics largely rejected.²⁶ The amalgam of humanism and legacy of the crusades was nourished further by scriptural studies of the Old Testament. The result was an explosive cocktail that fuelled an early modern renewal of holy war concepts particularly in France, England and the Holy Roman Empire.²⁷ Within this myriad of humanist approaches, Erasmus's pacifism, the outcome of his humanist critique of humanism, seems isolated and it appears to have generated only limited following. Yet, there were some long-term off-shoots, generally in neo-stoic garb and often in Jesuit cloak. Their traces can be discerned throughout our contributions.

José Fernández-Santamaria was certainly right to point out that Erasmus's peculiar approach to war was due to the fact that he never "took the momentous step marking the appearance of the modern state."²⁸ This led him to believe that the problem of war might be solved by creating virtuous rulers who based their decisions on the Gospel. Yet the reason why it was impossible to leave the decision to go to war to the virtuous individual cannot be explained solely by the fact that neo-scholastic theologians with their grasp of the state

submitted such questions to natural law. Nor did it solely follow from the idea that good kingship had to rely on taking wide-ranging and wise counsel. To understand how just war and politics in general were conceptualized in early modern Europe, it is necessary to link – and to emphasize – the notions of conscience and counsel.

The “early modern conscience” has received intense scholarly attention over the past thirty years leading to a new appreciation of moral theology among historians who want to unlock the intellectual and ideological contexts of the confessional age.²⁹ As has been shown, the understanding of conscience in terms of a judgment (*dictamen*) promoted its externalization in institutions, some of which are explored here, as well as the inquiry into the methods of appraising moral arguments. The parallel emergence in the sixteenth century of probabilism is therefore no coincidence and it boosted and expanded the debate amongst moral theologians. Contrary to what critics claimed, the aim of probabilism was not to “relax” moral standards, but to provide knowledge for theologians engaged in counsel and pastoral care.³⁰ Individuals were not expected to solve the complicated questions themselves, but to follow a probable opinion, which might well be somebody else’s opinion endorsed by theological authority. Basically an identical moral act was to be judged differently if the person who accomplished it did so in doubt and uncertainty (mortal sin), or whether he performed the act after searching a probable opinion through good counsel.³¹

Jean-Pascal Gay and Jean-Louis Quantin emphasize that probabilism was essentially an “extrinsicism” because its fundamental technique relied on “deposing one’s conscience” in favor of theological authority.³² The individual soldier, for instance, was not required to judge the *ius ad bellum*; he might follow authority. However, the soldier’s conscience was engaged in all matters regarding his conduct on the battlefield. He was supposed to seek the guidance of priests, who helped him to depose his troubled conscience with their advice. The ruler’s

conscience in turn was morally safe if he had sought adequate counsel, and ideally, so the theologians believed, this too amounted to depositing his conscience to them. Finally, through the sacrament of penance both rulers and subjects were submitted to their confessors who acted as judges and physicians of the interior forum. Vincenzo Lavenia highlights how relevant this framework was for the development of pastoral care for soldiers, while my contribution explores how controversial such notions were in the French political context. Although probabilism did not stabilize the authority of theologians as a matter of logical necessity, early modern Catholic confessional culture understood it this way. By consequence the enemies of probabilism, who gained momentum from the middle of the seventeenth century onwards, generally did not criticize its excessive subjectivism. Rigorists questioned its disregard for “Truth”, while “probabiliorists” chastised it for not resolving the question of subjective assent to the adopted opinion. Both these schools attacked it for making obedience a purely exterior adhesion to authority. The collapse of the probabilist framework in the seventeenth century therefore contributed not only to the rise of subjectivist understandings of conscience but also to the crisis of the exteriorized institutions of conscience which the contributions in this volume explore. We hope that our analyses of how the relations among war, conscience and counsel were configured before this juncture provide insight into the mechanisms that determined early modern understandings of the State and of man.

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¹ Augustine, *Contra Faustum*, Lib. 22, 70-75. On ancient and medieval foundations with relevant bibliography, see Frederick H. Russell, “Just War,” in *The Cambridge History of Medieval Philosophy*, vol. 2, ed. Robert Pasan and Christina Van Dyke (Cambridge, 2010), 593-606; a long view in James Turner Johnson, *Ideology, Reason and the Limitation of War. Religious and Secular Concepts, 1200-1740* (Princeton, 1975) and Id., *Just War Tradition and the Restraint of War. A Moral and Historical Inquiry* (Princeton, 1981).

² On topic framing and on the category of “scholasticism” see Harro M. Höpfl, “Scholasticism in Quentin Skinner’s Foundations,” in *Rethinking the Foundations of Modern Political Thought*, ed. Annabel Brett and James Tully with Holly Hamilton-Bleckley (Cambridge, 2006), 113-129.

³ A host of studies in *Suche nach Frieden: Politische Ethik in der Frühen Neuzeit* vols. I-III, ed. Norbert Brieskorn and Markus Riedener (Stuttgart, 2000-2003); seminal Adriano Prosperi, “I cristiani e la guerra: una controversia fra ‘500 e ‘700,” *Rivista di Storia e Letteratura Religiosa* 30 (1994): 54-83; on the adaptation of Augustinian coordinates James Turner Johnson, “Aquinas and Luther on War and Peace. Sovereign Authority and the Use of Armed Force,” *Journal of Religious Ethics* 31 (1/2003): 3-20.

⁴ This term, still current in seventeenth century English usage, is maintained here to avoid incorrect, truncated and misleading translations like “retributive” or “vengeful”. Vindicative justice indeed is neither one nor the other as it contains both the Augustinian rejection of revenge and the participation of secular in divine justice, see James Turner Johnson, *The Holy War Idea in Western and Islamic Traditions* (University Park, 2002), 54: “The concept of ‘vindicative justice’ refers to positive acts, whether involving the use of violence or not, to set things right wherever they have been set wrong, thus ‘vindicating’ the rule of God.”

⁵ See Nicholas Rengger, “On the just war tradition in the twenty-first century,” *International Affairs* 78 (2/2002): 353-363.

⁶ Quentin Skinner, “Meaning and understanding in the history of ideas,” in *Visions of Politics. Volume I-Regarding Method* (Cambridge, 2002), 57-89. It is questionable, whether Skinner’s brand of intellectual history has led to an expansion of the criticized canon or to a substantially broader understanding of context, see Warren Boutcher, “Unoriginal authors: how to do things with texts in the Renaissance,” in *Rethinking*, 73-92.

⁷ See Johann Theiner, *Die Entwicklung der Moraltheologie zur eigenständigen Disziplin* (Regensburg, 1970), 335.

⁸ This is not to doubt the relevance of the natural law framework they applied, which is, however, not our focus here. For an overview see Frank Grunert and Kurt Seelmann, *Die Ordnung der Praxis: Neue Studien zur spanischen Spätscholastik* (Tübingen, 2001); focused on the Jesuit case Harro Höpfl, *Jesuit Political Thought. The Society of Jesus and the State, c. 1540-1630* (Cambridge, 2004), 263-314.

⁹ Fundamental Adriano Prosperi, *Tribunali della coscienza. Inquisitori, confessori, missionari* (Torino, 1996); on Jesuit pastoral drive see John W. O’Malley, *The First Jesuits* (Cambridge-London, 1993), 134-157, 165-200, 243-284; for a local study see Wietse de Boer, *The Conquest of the Soul. Confession, Discipline and Public Order in Counter-Reformation Milan* (Leiden, 2001).

¹⁰ See Juan Bleda Plans, *La escuela de Salamanca y la renovación de la teología en el siglo XVI* (Madrid, 2000); John H. Burns, “Scholasticism: survival and revival,” in *The Cambridge History of Political Thought, 1450-1700*, ed. Id. with the assistance of Mark Goldie (Cambridge, 1991), 132-155; Giancarlo Angelozzi, “L’insegnamento dei casi di coscienza nella pratica educativa della Compagnia di Gesù,” in *La ‘Ratio Studiorum’. Modelli culturali e pratiche educative dei Gesuiti in Italia tra Cinque e Seicento*, ed. Gian Paolo Brizzi (Rome, 1981), 121-162.

¹¹ I quote from the first Portuguese edition: Martín de Azpilcueta, *Manual de confesores & penitentes* (Coimbra, 1552), 606-615. On his life and impact see Vincenzo Lavenia, “Martín de Azpilcueta (1492-1586). Un profilo,” *Archivio Italiano per la Storia della Pietà* 16 (2003): 15-148.

¹² See John Bossy, “Moral arithmetic: Seven Sins into Ten Commandments,” in *Conscience and Casuistry in early modern Europe*, ed. Edmund Leites (Cambridge-Paris, 1988), 214-234; Id., “The social history of confession in the Age of Reformation,” *Transactions of the Royal Society*, 25 (1975): 21-38; Chiara Casagrande and Silvana Vecchio, *Histoire des péchés capitaux au Moyen Âge* (Paris, 2003), 326-335.

¹³ See Theiner, *Die Entwicklung der Moraltheologie*, 303-308; for the Jesuits and Suárez in particular see Wim Decock, “Towards a Jesuit Science of Law,” in *The Jesuits of the Low Countries: Identity and Impact (1540-1773)*, ed. Rob Faesen and Leo Kenis (Leuven-Paris-Walpole MA, 2012), 17-43, here 24-26.

¹⁴ The literature is immense; an up-to-date overview with a strong English focus in Jacqueline Rose, "Kingship and counsel in early modern England," *The Historical Journal* 54 (1/2011): 47-71.

¹⁵ Scholarship focuses strongly on royal confessors, see Isabelle Poutrin, "Cas de conscience et affaires d'État: le ministère du confesseur royal en Espagne sous Philippe III," *Revue d'histoire moderne et contemporaine* 53 (2006): 7-28; Robert Bireley, *Religion and Politics in the Age of Counterreformation: Emperor Ferdinand II, William Lamormaini S.J. and the Formation of Imperial Policy* (Ithaca, 1981); Id., *The Jesuits and the Thirty Years War. Kings, courts and confessors* (Cambridge, 2003); Winfried Müller, "Hofbeichtväter und geistliche Ratgeber zur Zeit der Gegenreformation," in *Universität und Bildung. Festschrift für Laetitia Boehm zum 60. Geburtstag*, ed. Id., Wolfgang J. Smolka and Hans Zedelmaier (Munich, 1991), 141-155.

¹⁶ See Robert Bireley, *The Counter-Reformation Prince. Anti-Machiavellianism or Catholic Statecraft in Early Modern Europe* (Chapel Hill-London, 1990); Richard Tuck, *Philosophy and Government, 1572-1651* (Cambridge, 1993), 137-146.

¹⁷ Francisco Suárez, "De Bonitate et malitia actuum humanorum," in *Summa seu compendium a R. Francisco Noel eiusdem Societatis conconnitatum, pars prima*, ed. J.P. Migne (Paris, 1858), 552-78, here 574. Suárez explains the practical aspect: "Dicitur practicum, quia versatur circa actionem in particulari hic et nunc"; an overview on notions of conscience in Johannes Stelzenberger, *Syneidesis, Conscientia, Gewissen. Studie zum Bedeutungswandel eines moraltheologischen Begriffs* (Paderborn, 1963); for practical examples see Jonathan Wright, "The World's Worst Worm: Conscience and Conformity during the English Reformation," *Sixteenth Century Journal* 30 (1999): 113-133; Brian Cummings, "Conscience and the Law in Thomas More," *Renaissance Studies* 23 (4/2009): 463-485.

¹⁸ John Mahoney, *The Making of Moral Theology. A Study of the Catholic Tradition* (Oxford, 1987), 191.

¹⁹ See Pierre Hurtubise, *La casuistique dans tous ses états. De Martin Azpilcueta à Alphonse de Liguori* (Ottawa, 2005), 230.

²⁰ As again most recently in *Empire and Modern Political Thought*, ed. Sankar Muthu (Cambridge, 2012).

²¹ The English translation of the pertinent lectures include a good introduction, see Francisco de Vitoria, *Political Writings*, ed. Antony Pagden and Jeremy Lawrance (Cambridge, 1991).

²² I quote from the Italian bi-lingual edition: Juan Ginés de Sepúlveda, *Democrate secondo ovvero sulle giuste cause di guerra*, ed. and transl. Domenico Taranto (Macerata, 2009), Lib. I (8.2), 50-51, which includes an introduction and up-to-date bibliography, XII-LV; for the Spanish critical edition, see Id., *Obras completas* (Pozoblanco, 1995-), vol. 15, *Demócrates*, ed. Julián Solana Pujalte and Ignacio J. García Pinilla, CXV-CLXI, 80-192. For the humanist rejection of the *libido* argument see Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford, 1999), 56-57.

²³ Niccolò Machiavelli, *Discorsi sopra la prima deca di Tito Livio*, ed. Corrado Vivanti (Torino, 1983), Lib. I.12-13, 71-78; Augustine, *De civitate Dei*, Lib. I.

²⁴ See Giuseppe Marcocci, "Machiavelli, la religione dei romani e l'impero portoghese," *Storica* 41-42 (2009): 35-68.

²⁵ See Vincenzo Lavenia, "Se la guerra dei cristiani è più feroce. Il Democrate primus nel dibattito cinquecentesco sulla fede e le armi," in *Juan Ginés Sepúlveda e il problema della guerra giusta*, ed. Marco Guena (Milan, 2012), 2-29; Michela Catto, *Cristiani senza pace. La Chiesa, gli eretici e la guerra nella Roma del Cinquecento* (Rome, 2012).

²⁶ Tuck, *The Rights of War and Peace*, 28-31.

²⁷ The emphasis is on France and England in Turner Johnson, *Ideology, Reason, and the Limitation of War*, 81-133.

²⁸ José A. Fernández-Santamaria, *The State, War and Peace. Spanish Political Thought in the Renaissance 1516-1559* (Cambridge, 1977), 130.

²⁹ The decisive impulse was *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge-Paris, 1988). Other studies have followed: Miriam Turrini, *La coscienza e le leggi. Morale e diritto nei testi per la confessione della prima età moderna* (Bologna, 1991); Heinz D. Kittsteiner, *Die Entstehung des modernen Gewissens* (Frankfurt a.M., 1995); *Contexts of Conscience in Early Modern Europe, 1500-1700*, ed. Harald E. Braun and Edward Vallance (Basingstoke, 2004); *The Renaissance Conscience*, ed. Harald E. Braun and Edward Vallance (Oxford, 2011); Jean-Pascal Gay, *Morales en conflit. Théologie et polémique au Grand Siècle, 1640-1700* (Paris, 2011).

³⁰ See Hurtubise, *La casuistique*; Albert J. Jonsen and Stephen Toulmin, *The Abuse of Casuistry. A History of Moral Reasoning* (Berkeley-Los Angeles-London, 1988); Ilkka Kantola, *Probability and Moral Uncertainty in Late Medieval and Early Modern Times* (Helsinki, 1994); Rudolf Schüßler, *Moral im Zweifel, Band I: Die scholastische Theorie des Entscheidens unter moralischer Unsicherheit* (Paderborn, 2003); Id., *Moral im Zweifel, Band II: Die Herausforderung des Probabilismus* (Paderborn, 2006).

³¹ Julia Fleming, *Defending Probabilism. The Moral Theology of Juan Caramuel* (Washington, 2008), 116.

³² See Jean-Louis Quantin, "Le Saint-Office et le probabilisme (1677-1679). Contribution à l'histoire de la théologie morale à l'époque moderne," *Mélanges de l'école française de Rome. Italie et Méditerranée* 114 (2/2002): 875-960; Jean-Pascal Gay, *Jesuit Civil Wars. Theology, Politics and Government under Tirso González, 1687-1705* (Farnham, 2012), 133-154.